

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
March 14, 2012

REGULAR MEETING

Darien Town Hall - Room 206 - 7:45 to 9:20 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Ruth Anne Ramsey and Rich Wood

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Gary Greene opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND WITHDRAWALS

Mr. Greene announced that the Public Hearing of **Calendar No. 53-2011**, the application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe, 26 Raymond Street, is postponed to April 11, 2012, at the applicant's request.

Mr. Greene announced that the Continuation of Public Hearing of **Calendar No. 50-2011**, the application of Alan H. Kaufman on behalf of Scott/Rosemarie Reardon, 165 Long Neck Point Road, has been withdrawn.

CONTINUATION OF PUBLIC HEARINGS

The following hearings were continued from the January 18, 2012 and February 15, 2012 meetings with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 3-2011 - the application of Ben & Trudie Larrabee filed on January 18, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of propane tanks and generator equipment; Section 406: 23.7 in lieu of 20.0 maximum allowable coverage. The property is situated on the

south side of Fairview Avenue approximately 140 feet west of the intersection of Academy Street and Fairview Avenue and is shown on Assessor's Map #16 as Lot #50, being 26 Fairview Avenue and located in an R-1/3 (residential) Zone.

Trudie Larrabee and Ben Larrabee answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 55-2011 - the application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on December 21, 2011 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement to a two story residence with a pool, pool equipment, covered patio features, generator, and AC equipment; Section 334: construction on a portion of the lot with 106.2 in lieu of 150.0 feet minimum required lot depth or width and less than 150.0 feet minimum required square; Section 406: 4.4 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; 24.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the residence; 31.5 in lieu of 40.0 feet minimum required north rear yard setback for the residence; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the pool; 26.6 in lieu of 40.0 feet minimum required north rear yard setback for the covered patio, pool equipment and generator; and 32.0 in lieu of 40.0 feet minimum required north rear yard setback for the AC equipment. The property is an interior lot accessed from the east side of the Peabody Lane cul de sac approximately 1000 feet northeast of the intersection of Salem Straits and Peabody Lane and is shown on Assessor's Map #62 as Lot #60, being 11 Peabody Lane, also known as 66 Salem Straits, and located in an R-1 (residential) Zone.

Attorney Wilder Gleason and Paul Darrah answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Amy Zabetakis objected to aspects of the application. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 1-2012 - the application of Brian Lorenz on behalf of Plaza Realty c/o Michael D. Hibbert and Starbucks filed on January 18, 2012 for

variances of Section 923.1 and 923.4 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 923.1: 22.50 in lieu of 10.67 maximum allowable square feet; and Section 923.4: 2 in lieu of 1 maximum allowable wall sign. The property is situated on the northwest side of Boston Post Road approximately 150 feet southwest of the intersection of Sedgwick Avenue and Boston Post Road and is shown on Assessor's Map #16 as Lots #2 and 3, being 815 Boston Post Road and located in the CBD (commercial) and in a R-1/3 (residential) Zone.

Brian Lorenz answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 7-2012 - the application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of The Lewis Nash Family Inc. c/o James & Marion Friend filed on February 15, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a one story shoreline gazebo; Section 406: 0.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the east side of Nash Island approximately 920 feet southeast of the intersection of Nearwater Lane and Baywater Drive and is shown on Assessor's Map #55 as Lot #124, being 1 Nash Island and located in an R-1 (residential) Zone.

Surveyor Jeff McDougal answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 3-2012 - The application of Ben & Trudie Larrabee, 26 Fairview Avenue. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 55-2011 - The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah, 11 Peabody Lane. Upon a motion by

Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 3-2 to approve with stipulations, the above delineated, requested variances. Those voting in favor of the motion were Chuck Deluca, Ruth Anne Ramsey, and Rich Wood. Gary Greene and Vic Capellupo were opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore THIS REQUEST IS DENIED.

CALENDAR NO. 1-2012 - The application of Brian Lorenz on behalf of Plaza Realty c/o Michael D. Hibbert and Starbucks, 815 Boston Post Road. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to DENY the above delineated, requested variances. Those voting in favor of the motion were Chuck Deluca, Ruth Anne Ramsey, Gary Green and Rich Wood. Vic Capellupo was opposed to the motion.

CALENDAR NO. 7-2011 - The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of The Lewis Nash Family Inc. c/o James & Marion Friend, 1 Nash Island. Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Update on status of exterior lighting relative to a stipulation of Calendar No. 2-2012, Anthony's Coal Fired Pizza, 319 Boston Post Road: Staff gave an update on the exterior lighting status.

Approval of Minutes and Resolutions of meeting on February 15, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey and Rich Wood. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Vic Capellupo, Gary Greene, Ruth Anne Ramsey and Rich Wood voted in favor of the motion. Jeff Williams previously indicated his approval.

Staff Request for a Board committee to review Required Application Materials: After discussion, Rich Wood and Vic Capellupo volunteered to work on this matter.

ADJOURNMENT

The meeting was adjourned at 9:20 PM.

These Meeting Minutes,
Respectfully submitted March 28, 2012,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, approved 3-0 at the ZBA meeting on April 11, 2012. Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion. Gary Greene and Chuck Deluca previously indicated their approval.